

CHAPTER 147

HOUSE BILL NO. 189.

Manufacture and Distribution of Ice.

AN ACT declaring the manufacture, sale and distribution of ice to be a public business, placing same under jurisdiction of the Corporation Commission; providing a license fee, and penalty for violation hereof.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Ice—Manufacture and Distribution.

Section 1. That the manufacture, sale and distribution of ice within the State of Oklahoma is hereby declared to be a public business, as defined by Section 11032, of the Compiled Statutes of Oklahoma.

Corporation Commission—License.

Section 2. That no person, persons or corporation shall be permitted to manufacture, sell and distribute ice within the State of Oklahoma without first having secured a license for such purpose from the Corporation Commission of the State of Oklahoma. The license fee hereunder shall be the sum of fifty cents (50c) per ton, per annum, of the daily capacity of ice manufactured, sold or delivered, but the minimum license shall be five dollars (\$5.00).

Same—Hearing.

Section 3. That the Corporation Commission shall not issue license to any person, firm or corporation for the manufacture, sale and distribution of ice, or either of them, within this State, except upon a hearing had by said Commission at which said hearing, competent testimony and proof shall be presented showing the necessity for the manufacture, sale or distribution of ice, or either of them, at the point, community or place desired. If the facts proved at said hearing disclose that the facilities for the manufacture, sale and distribution of ice by some person, firm or corporation already licensed by said commission at said point, community or place, are sufficient to meet the public needs therein, the said Corporation Commission may refuse and deny the applicant (sic) for said license. In addition to said authority, the said Commission shall have the right to take into consideration the responsibility, reliability, qualifications and capacity of the person, firm or corporation applying for said license and of the person, firm or corporation already licensed in said place or community, as to afford all reasonable facilities, conveniences and services to the public and shall have the power and authority to require such facilities and services to be afforded the public; provided, that nothing herein shall operate to prevent the licensing of any person, firm or corporation now engaged in the manufacture, sale and distribution of ice, or either of them, in any town, city or community of this State, whose license shall be granted and issued by said Commission upon application of such person, firm or corporation and payment of license fee.

Hearings—Written Applications.

Section 4. No hearing as aforesaid shall be had by said Com-

mission except upon written application of the person, firm or corporation applying for said license, which said application shall set forth the name of the person, firm or corporation applying for said license; the city, town or place it is desired to engage in the manufacture, sale or distribution of ice, or either of them; the amount of ice, based on daily tonnage, it is desired to manufacture, sell or distribute therein; the amount of capital to be invested in said undertaking and facts which will show the public need therefor. Upon receipt of said application the Commission shall make an order setting said application down for hearing at a date not less than fifteen (15) nor more than thirty (30) days from the date said application was received and shall give notice of such hearing by mailing a notice thereof to the town or city clerk of the town named in said application wherein it is desired to engage in said business at least ten (10) days prior to the date of said hearing and by publication in some newspaper of general circulation published in said town, city or community at least ten (10) days prior to the date of said hearing. If there be no newspaper published in said town, city or community, then said publication shall be had in some newspaper published elsewhere in the state and of general circulation in said town, city or community.

Corporation Commission—Powers.

Section 5. That the Corporation Commission shall have the same power and authority to be charged with the duty of regulating and controlling the manufacture, sale and distribution of ice in all matters relating to the performance of public duties and the charges therefor, and correcting abuses and preventing unjust discrimination and extortion, as is exercised by said Commission as to transportation and transmission companies, and shall have the same power to fix rates, rules, charges and regulations to be observed by such person, firm or corporation engaging in the manufacture, sale and distribution of ice, or either of them, and the affording of all reasonable conveniences, facilities and service, as it may impose as to the transportation and transmission companies.

Same—Orders.

Section 6. All and any orders made by said Commission fixing rates, charges, rules and regulations as to any person, firm or corporation engaged in the manufacture, sale and distribution of ice, or either of them, may be reviewed on appeal by the Supreme Court of the State of Oklahoma.

License—Engaging in Business Without.

Section 7. Any person, firm or corporation who shall engage in the business of manufacturing, selling and distributing ice or engage in either of said businesses, without first obtaining a license, provided for herein, shall be guilty of a misdemeanor and any such person shall be punishable by a fine not to exceed twenty-five dollars (\$25.00), and each day's violation shall constitute a separate offense; provided, the Corporation Commission is hereby authorized to promulgate general orders not in conflict with this Act, and to enforce such orders against any person, firm or corporation manufacturing, selling or distributing ice or engaging in either of said

businesses, by imposing a fine for the violation thereof not to exceed five hundred dollars for each of said violations.

Complaints—Hearings.

Section 8. Any person, persons or corporations aggrieved by any rate, or service, may file an application for a hearing under the terms and conditions of this Act.

Repealing Clause.

Section 9. All laws and parts of laws in conflict herewith are hereby repealed.

Approved April 7, 1925.